

Protection Order Committee  
Judicial Conference of Indiana

**Minutes**

January 29, 2016

The Protection Order Committee met at the Indiana Judicial Center on Friday, January 29, 2016 from 12:00 noon – 3:30 p.m.

1. Members present. Andrew K. Antrim, Barbara L. Cook Crawford, William A. Dawkins, Jennifer Lynne DeGroote, Sara A. Dungan, Thomas P. Hallett, Justin H. Hunter, Donna Walker and Christopher M. Goff, Chair.
2. Staff present. Jeffrey Bercovitz and Ruth Reichard provided the committee with staff assistance.
3. Introduction of new members. Clerk Debbie Walker, Henry County was introduced as a new member of the committee.
4. Guests present. Donna Edgar, Court Technology and Kathy Williams, representing the American Society for the Prevention of Cruelty to Animals attended the meeting.
5. Minutes approved. The minutes for the meeting on October 23, 2015 were approved.
6. Revisions to PO-0100 and PO-0101. Magistrate DeGroote reviewed PO-0100 and PO-0101 Instruction forms with members of the committee. Revisions were approved by consensus. Magistrate DeGroote agreed to make further revisions based on Administrative Rule 9 (G) (5) which requires a form for confidential information. Ruth Reichard agreed to revise the form under Admin. Rule 9 (G) (5) for use with protection, no contact and workplace violence restraining orders.
7. Presentation by Donna Edgar.
  - a. Donna Edgar indicated if a protection order does not have an electronic signature in Odyssey, but the Protection Order Registry indicates the signature is “on file,” can this document be part of the official court record under Trial Rule 77? She reported some judicial officers will not check the box to affix an electronic signature and others sign the printed order and scan it back in. Committee members discussed whether a judge *pro tem* would have an electronic signature on file. Members of the committee agreed to have Donna Edgar return to the next meeting of the committee with LaJuan Epperson from the Protection Order Registry for further review.
  - b. Donna Edgar reported a new form must be used when confidential information is filed with the court under Administrative Rule 9 (G) (5). Mag. DeGroote agreed to revise the instructions for protection order forms to account for this rule and Ruth Reichard agreed to revise the form for use with protection, no contact and workplace violence orders.

8. Recent legislation. Members of the committee reviewed Senate Bill 22 and House Bill 1069.
9. Presentation by Kathy Williams. Kathy Williams, an attorney representing the American Society for the Prevention of Cruelty to Animals, gave a presentation concerning her client's concern that Indiana needs specific statutory provisions to include household pets in protection orders. She reported Senate Bill 343 was filed this year to provide this authority. She also distributed draft language for protection orders in this area. Committee members indicated Indiana's current statutes contain coverage for personal property, which includes animals; and cruelty to an animal is incorporated in the definition of domestic and family violence.

Committee members agreed to contact Ms. Williams know the committee continued discussion after she left, agreed to revise the instructions for petitioners for protection orders about the use of a protection order to cover animals, and would discuss draft language at their next meeting.
10. Other.
  - a. Judge Hunter noted an increase in the number of cases where the petitioner indicates a threat is communicated to release a nude or partially nude photo of the petitioner online. Committee members agreed this is a concern. Ruth Reichard agreed to provide the citation to the federal statute which makes this a crime.
  - b. Jeff Bercovitz distributed the Illinois bail statute which includes risk assessment for domestic violence.
11. Next meeting dates. Committee members agreed to meet again on Friday, February 26, 2016, June 24, 2016, and Friday, October 28, 2016, from 12:00 Noon – 3:30 p.m. Indiana Judicial Center.

Respectfully submitted,

Jeffrey Bercovitz, Director  
Juvenile and Family Law

Protection Order Committee  
Judicial Conference of Indiana

**Minutes**

February 26, 2016

The Protection Order Committee met at the Indiana Judicial Center on Friday, February 26, 2016 from 12:00 noon – 3:15 p.m.

1. Members present. Andrew K. Antrim, William A. Dawkins, Jennifer Lynne DeGroote, Sara A. Dungan, Thomas P. Hallett, Teresa K. Hollandsworth, and Christopher M. Goff, Chair.
2. Staff present. Jeffrey Bercovitz, Tom Jones and Ruth Reichard provided the committee with staff assistance.
3. Introduction of new members. Referee Teresa K. Hollandsworth, Lake Superior Court, Juvenile Division was introduced as a new member of the committee.
4. Guests present. LaJuan Epperson, Court Technology attended the meeting.
5. Minutes approved. The minutes for the meeting on January 29, 2016 were approved.
6. New notice and instructions.
  - a. A new form for notice of exclusion of confidential information from a Confidential Form under Administrative Rule 9 (G) (5), prepared by Ruth Reichard, was distributed to the committee. The form delineates the statutes for protection, no contact and workplace violence restraining orders in which a confidential form must be filed or information must otherwise be kept confidential. The committee gave the form a number, PNW-0102 to be filed with protection, no contact and workplace violence restraining orders.
  - b. Magistrate DeGroote distributed PO-0102 and PO-0103, which were revised to include information about pets, updated information about the Attorney General's Address Confidentiality programs and information about the new notice required under Administrative Rule 9 (G) (5).
  - c. Magistrate Dawkins moved to approve the new PNW-0102, and the amended PO-0102 and PO-0103. Magistrate Dungan seconded the motion. The motion was passed. Magistrate DeGroote and Ruth Reichard agreed to review the revised forms.
7. E filing protection orders. Ruth Reichard reported Court Technology is exploring whether or not Protection Orders should be E filed or not. Not all states require them to be E filed. Committee members agreed to invite Mary DePrez to the next meeting of the committee to discuss whether protection orders should be filed electronically and if so, new procedures to do so.

8. Signature “on file.”
  - a. Committee members agreed by consensus it was permissible to attach a file to the protection order registry, which indicates the signature of the judicial officers is “on file,” for protection, no contact and workplace violence restraining orders.
  - b. Members of the committee agreed by consensus to get PNW-0102 on the public protection order website as soon as possible.
9. “No Contact Order.” A form entitled “No Contact Order” was distributed to the committee. It was not signed by the judge and was used to release a person from the jail. It did not match the registry No Contact Order forms and could not be placed on the registry. The chair of the committee agreed to contact the local court to find out about the use of the form by the jail.
10. Recent legislation. Members of the committee reviewed House Bill 1069, which provides the DCS may file a petition for a no contact order on behalf of foster parents of a child adjudicated a CHINS. Referee Hollandsworth and Magistrate Hallett agreed to prepare a No Contact Order for use with this new statute for the next meeting of the committee.
11. Revised PO Deskbook. Committee members reviewed proposed changes by Magistrate DeGroote for Protection Order Deskbook Chapters 2, 4, 6, and 7 and WV – 0100 for the Notice of exclusion of confidential form, PNW-0102. She agreed to review the revised Deskbook chapters and WV-0100.
12. Spanish PO Forms. Ruth Reichard reported she is working on a grant application for monies to prepare protection order forms in Spanish, including translations of forms completed by litigants in Spanish, into English.
13. Next meeting dates. Committee members agreed to meet again on Friday, June 24, 2016, August 26, 2016 and October 28, 2016, from 12:00 Noon – 3:30 p.m. at the Indiana Judicial Center.

Respectfully submitted,

Jeffrey Bercovitz, Director  
Juvenile and Family Law

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**Minutes**  
June 24, 2016

The Protection Order Committee met at the Indiana Judicial Center on Friday, June 24, 2016 from 12:00 noon – 3:15 p.m.

1. Members present. Andrew K. Antrim, David L. Chidester, Sara A. Dungan, Thomas P. Hallett, Teresa K. Hollandsworth, Justin H. Hunter and Christopher M. Goff, Chair.
2. Staff present. Jeffrey Bercovitz, Tom Jones and Ruth Reichard provided the committee with staff assistance.
3. Guests present. Erskin Reeves, Court Technology attended the meeting.
4. Minutes approved. The minutes for the meeting on February 26, 2016 were approved.
5. NCO-0103 & NCO-0104.
  - a. NCO-0103 was revised by the committee to reflect changes in HEA 1069 to permit filing of No Contact Orders to protect the child and foster families in CHINS cases and the increased penalty for violation of this order.
  - b. The committee revised NCO-0104 to reflect the change in HEA 1069 of the increased penalty for violation of this order which protects the child in delinquency cases.
6. PNW-0102. PNW-0102, Notice of Exclusion of Confidential Information for Confidential Form under Administrative Rule 9 (G)(5) and the notice to courts about the new form on May 4, 2016 was distributed to the committee for their information.
7. PO-0102 and PO-0103. PO-0102 and PO-0103, instructions for protection orders were revised to reflect updates in the list of sex offenses, relief a court can order, household pets protection, GPS monitoring, and the Address Confidentiality Program of the Indiana Attorney General.
8. PO-0133. PO-0113, a new order of extension form was approved by the Protection Order Committee to be used for Ex Parte Orders in which the court has determined the need for an extension.
9. “Permanent” protection orders. A county recently discovered old “permanent” protection orders which predate and are not in the Protection Order Registry. The court involved asked for suggestions on what to do with them. Committee members discussed whether:
  - a. Whether there was service on these orders;
  - b. Whether these orders were dated before July 1, 2002, part of a dissolution decree, and whether they were still valid;

- c. Whether it was up to the petitioner and/or respondent to pursue relief from these orders;
- d. Whether these orders should be listed in an MI case number and the list be distributed to the county attorney, prosecutor, sheriff, city police, all attorneys, since these orders may be stale; and could the list be used to get more information on these orders in order to get them into the Protection Order Registry; and
- e. Whether an order asking for information should be entered in each individual case and served on the parties.

Committee members agreed to continue discussion in August since orders may be entered in more than one county and agreed to check in their county if any orders of this nature exist.

10. Other.

- a. Jeffrey Bercovitz noted a broken internet address to the cover sheet for protection orders, which would be fixed.
- b. Ruth Reichard stated she is working on revisions to chapters 2,4,6 & 7. She will incorporate Magistrate DeGroote's revisions. In addition, she is working on a chapter on enforcement. She expects to be ready for the August meeting.
- c. Committee members discussed ideas for an educational program about protection orders, no contact orders, and child protection orders at the Annual Meeting in September 2016.
- d. Members of the committee agreed to discuss a revision to NCO-0100 at the next meeting.

11. Next meeting dates. Committee members agreed to meet again on Friday, August 26, 2016 and October 28, 2016, from 12:00 Noon – 3:30 p.m. at the Indiana Judicial Center. They also agreed to meet on January 27, 2017, February 24, 2017, March 24, 2017 and June 23, 2017 from 12:00 Noon – 3:30 p.m. at the Indiana Judicial Center

Respectfully submitted,

Jeffrey Bercovitz, Director  
Juvenile and Family Law

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**Minutes**

August 26, 2016

The Protection Order Committee met at the Indiana Judicial Center on Friday, August 26, 2016 from 12:00 noon – 3:30 p.m.

1. Members present. Andrew K. Antrim, David L. Chidester, William A. Dawkins, Jennifer Lynne DeGroote, Teresa K. Hollandsworth, and Christopher M. Goff, Chair.
2. Staff present. Jeffrey Bercovitz, LaJuan Epperson, Tom Jones and Ruth Reichard provided the committee with staff assistance.
3. Minutes approved. The minutes for the meeting on June 24, 2016 were approved.
4. NCO-0100. Members of the committee discussed a revision to NCO-0100 to permit a court, on its own motion, to issue this order. They agreed to continue the discussion of the revision at the next meeting.
5. Chapters 1 & 2. Committee members reviewed revisions by Ruth Reichard to chapters 1 and 2 of the Protection Order Deskbook. They agreed Indiana Code should be spelled out throughout and the full names of forms from the protection order website should be used. They agreed to continue review of additional chapters (3-7) at the next meeting.
6. “Permanent” protection orders. Committee members reviewed discussion from the last meeting about “old” permanent protection orders. They agreed the judge should craft a solution to these orders, which were not in the Registry, based on the needs of his county. They also agreed the attorney for the sheriff in the county should be notified of these older orders (before July 1, 2002).
7. Notice of revisions to forms. Members of the committee agreed to place new or updated forms on the protection order website and give judicial officers notice, rather than waiting to place updates on the website one time a year.
8. Other.
  - a. Committee members reviewed materials from Ruth Reichard for a presentation at the Annual Meeting of the Judicial Conference in September.
  - b. Magistrate DeGroote asked if the Notice of Hearing will be written in Spanish. Ruth Reichard indicated Court Technology had applied for a VOCA grant to print protection order forms in an English-Spanish version.
  - c. Magistrate DeGroote agreed to revise PO-0108 for the next meeting to indicate the address of the petitioner is public.

9. Next meeting dates. Committee members agreed to meet again on Friday, October 28, 2016, from 12:00 Noon – 3:30 p.m. at the Indiana Judicial Center. They also agreed to meet on January 27, 2017, February 24, 2017, March 24, 2017, June 23, 2017 and August 25, 2017 from 12:00 Noon – 3:30 p.m. at the Indiana Judicial Center

Respectfully submitted,

Jeffrey Bercovitz, Director  
Juvenile and Family Law